

REPORT FOR: LICENSING PANEL

Date of Meeting:	8 February 2012
Subject:	Application to vary the premises licence held in respect of 'Vintage Wine Bar', 36 High Street, Pinner, HA5 5PW.
Responsible Officer:	Brendon Hills – Corporate Director, Community & Environment
Exempt:	No
Enclosures:	Premises Licence Variation Application Premises Plan Proposed new Premises Plan Thirty Two Representations Location Map

Section 1 – Summary

The application to vary a premises licence issued under the Licensing Act 2003 to 'Vintage Wine Bar', 36 High Street, Pinner, HA5 5PW has attracted representations from two Responsible Authorities, namely the Environmental Health Authority and the Metropolitan Police, and from thirty interested parties. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt with by the Licensing Panel.

Representations received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority	Representation received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	Representation received

Representations from interested parties

From	Relevant Representations details
Interested Parties	Representations received

Section 2 – Report

Current situation

- 2.1 There is currently a Premises Licence in force at 'Vintage Wine Bar', 36 High Street, Pinner, HA5 5PW. A copy of the Premises Licence is attached to this report. Briefly, the premises licence authorises the following licensable activities: **Recorded music, Performance of dance, Performance similar to e f g, Provision of facilities for music, Provision of facilities for dance** (all of which are Regulated Entertainment), **Sale of retail alcohol** and the current permitted timings are set out below:

Regulated Entertainment and Sale of Alcohol:

Sundays to Wednesdays	10.00am – 11.00pm
Thursdays to Saturdays	10.00am – 12.30am (the following morning)

Hours Open to Public:

Sundays to Wednesdays	10.00am – 11.30pm
Thursdays to Saturdays	10.00am – 01.00am (the following morning)

- 2.2 An application to vary the premises licence has been submitted by the current licence holder, PWT Incorporated Limited, 36a High Street, Pinner, HA5 5PW. The variation seeks to (i) vary the premises plan attached to the premises licence and (ii) vary the timings for licensable activities as follows:

Regulated Entertainment and Sale of Alcohol:

Sundays to Wednesdays	10.00am – 11.30pm
Thursdays	10.00am – 12.30am (the following morning)
Fridays and Saturdays	10.00am – 02.00am (the following morning)

Hours Open to Public:

Sundays to Wednesdays	10.00am – Midnight
Thursdays	10.00am – 01.00am (the following morning)
Fridays and Saturdays	10.00am – 02.30am (the following morning)

and

- To permit licensable activities to continue until 02.00am on Christmas Eve/Day and the premises to remain open until 02.30am.
- To permit licensable activities to continue and the premises to remain open on 31st December until the start of the sale of alcohol the following day - i.e to allow licensable activities and sale of alcohol throughout the night of the 31st December.

- 2.3 The premises is situated at 36 High Street, Pinner, HA5 5PW in a parade of commercial premises with residential properties in the immediate vicinity. A map of the area is attached to this report.

Representations

- 2.4 The variation application has attracted representations from two Responsible Authority, namely the Environmental Health Authority and the Metropolitan Police, and from thirty interested parties. Copies of all the representations received are attached to this report.
- 2.5 The representations address issues of public nuisance, public safety and crime and disorder. To assist the members, licensing officers have conducted a site visit to the premises and taken measurements of the premises to ascertain the maximum capacity of the premise. Using the District Surveyors Association's Technical Standards for Places of Entertainment the capacity has been calculated as no more than 40 persons. Officer calculations are attached to this report.

Consultation

- 2.6 The application was advertised in accordance with the Regulations under the Licensing Act 2003.

Licensing Policy Implications

- 2.7 In relation to the Council's Licensing policy at paragraphs 8.3 and 8.8, the applicant has addressed how they intend to promote the licensing objectives.

Legal Implications

- 2.8 The Licensing Panel is required to hold a hearing to consider the variation application and any relevant representations unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.9 The Licensing Panel is required to give appropriate weight to the representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps that are necessary to promote the four licensing objectives.
- 2.10 Having considered those relevant matters, the Licensing Panel is required to take such of following steps (if any) as it considers necessary for the promotion of the four licensing objectives –
- a. To modify the conditions of the licence
 - b. To reject the whole or part of the application

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

- 2.11 It should be noted with all options that –
- Clear reasons should be given for the decision.
 - Any additional or modified conditions should be practical and enforceable
 - The applicant and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in Schedule 5 to the Licensing Act 2003
- 2.12 In addition to determining the application in accordance with the legislation, Members must have regard to –
- The common law rules of natural justice
 - The provisions of the Human Rights Act 1998
 - The considerations in section 17 of the Crime and Disorder Act 1998
- 2.13 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights. The following provisions of the European convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property).

Community Safety

- 2.14 In relation to section 17 of the Crime and Disorder Act 1998, this states:
- ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.’

The Borough Commander, through Police Licensing Sergeant Crump has made a representation against this application.

Financial Implications

- 2.15 There are no financial implications.

Risk Management Implications

- 2.16 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani Date: 16 th January 2012	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Name: Paresh Mehta Date: 23 rd January 2012	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer

Section 4 - Contact Details and Background Papers

Premises Licence
Variation Application
Premises Plan
Proposed new Premises Plan
Thirty Two Representations
Location Map

Contact: P Sivashankar, Head of Licensing Services, ext 6237